

JOSEPH P. RUSSONIELLO (CSBN 44332)

United States Attorney

JOANN M. SWANSON (SBN 88143)

Chief, Civil Division

MELISSA K. BROWN (SBN 203307)

Assistant United States Attorney

450 Golden Gate Avenue, 10th Floor
San Francisco, California 94102-3495

Telephone: (415) 436-6962

Facsimile: (415) 436-6748

Email: melissa.k.brown@usdoj.gov

Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

E.K. WADE,

Plaintiff,

v.

ELAINE CHAO, SECRETARY OF
LABOR, ET AL.

Defendant.

No. C 08-00001 JSW

No. C 08-00021 CRB

**ADMINISTRATIVE MOTION TO
CONSOLIDATE CASES AND
[PROPOSED] ORDER**

This motion was originally filed on February 4, 2008. The Defendant re-files it due to the reassignment of this case to the honorable Jeffrey S. White.

On December 28, 2007, this Court dismissed the action of *E.K. Wade v. Elaine Chao*, 06-4725 MJJ and gave plaintiff leave to file a new complaint. On January 2, 2008, Plaintiff filed the new complaint *E.K. Wade v. Elaine Chao, et al.*, CV-08-00001 PJH. On January 17, 2008 the court issued an order reassigning case No.CV-08-00001 PJH to the Honorable Martin Jenkins.

However, on January 3, 2008, Plaintiff also filed the new complaint *E.K. Wade v. Elaine Chao et al.*, CV-08-0021 MEJ. Because both complaints (CV-08-00001 and CV-08-00021) involve the same parties, facts and circumstances, and because this Court has previously ordered that all actions against the Secretary of Labor be consolidated into one complaint,

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the Federal Defendants request the Court to order plaintiff to consolidate all allegations against *Elaine Chao et al.* into a single Fifth Amended Complaint.

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/

Dated: February 20, 2008

MELISSA K. BROWN
Assistant United States Attorney

ORDER

The Court, having considered the briefing of the parties, orders that plaintiff's complaint for damages filed on January 3, 2008 – be consolidated into plaintiff's Fifth Amended Complaint to be filed in the C 08-00001 MJJ case. Once the complaints have been consolidated, plaintiff shall dismiss the C 08-00021 MEJ complaint with prejudice. The United States Attorney's Office will accept service of the new complaint and will file a responsive pleading within 60 days of service of the new complaint.

DATED: _____

HONORABLE JEFFREY S. WHITE
U.S. DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

ADMINISTRATIVE MOTION TO CONSOLIDATE CASES

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)**

☐ **FEDERAL EXPRESS**

☐ **FACSIMILE (FAX)** Telephone No.: See Below

to the party(ies) addressed as follows:

E.K. Wade 542 North Civic Drive, Apt. D Walnut Creek, CA 94597		
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 20, 2008 at San Francisco, California.

MANIK BOWIE
Legal Assistant